## II. REMARKS

### A. Declaration Of Prior Invention (37 C.F.R. 1.131)

US publication 2003/0219564 (Hubbard) forms the bases for all claim rejections in the current office action. The effective date of this reference is May 22, 2002, the filing date of the corresponding US patent application.

In response to the current office action, submitted herewith is a DECLARATION OF PRIOR INVENTION IN THE UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131) by inventor Fago.

This Declaration establishes conception and actual reduction to practice in the form of a commercial product, as well as conception and due diligence in constructive reduction to practice in the form of a US provisional patent application, prior to the effective date of the reference publication US 2003/0219564 (Hubbard).

Therefore, it is believed that rejection of the claims should be withdrawn, and such action is respectfully requested.

### B. Response to Arguments

In view of the Declaration Of Prior Invention submitted herewith, it is believed that reply to the examiner's response to arguments previously presented is not required under the rules. However, should the Declaration be found to be insufficient or ineffective to overcome the reference, the right to reply to the examiner's response to arguments is reserved.
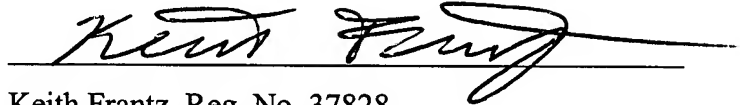
### C. Claim Rejections

In view of the Declaration Of Prior Invention submitted herewith, it is believed that further reply to the claims rejections presented is not required under the rules. However, should the Declaration be found to be insufficient or ineffective to overcome the reference, the previously submitted reply is incorporated herein, and the right to further reply is reserved.

**D. Summary**

In view of the foregoing, it is believed that the application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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